

Court of Appeals, State of Michigan

ORDER

Oussama Jawad Bachir v Shanna Lynn Peveler-Stromik

Brian K. Zahra
Presiding Judge

Docket No. 295704

Michael J. Talbot

LC No. 00-011668-DC

Kurtis T. Wilder
Judges

The Court, on its own motion, PEREMPTORILY REVERSES and VACATES the trial court's December 22, 2009, order granting defendant's motion for change of domicile of the minor child to Florida. The trial court erred in issuing an order allowing a change of domicile prior to stating its findings of fact and conclusions of law under each of the best interest factors set forth in MCL 722.23. *Rittershaus v Rittershaus*, 273 Mich App 462, 475 (2007).

The motion to compel return of the minor child to the State of Michigan is GRANTED and defendant-appellant shall forthwith return the child to the State of Michigan.

The case is REMANDED to the trial court for further proceedings including conducting a best-interest analysis in considering defendant's request for change of domicile and any request by plaintiff for a change in physical custody of the minor child.

The motions to award physical custody of the minor child to plaintiff-appellant and for an order requiring defendant-appellee to show cause why she should not be held in contempt for violating this Court's December 30, 2009, order staying the order for change of domicile are DISMISSED AS MOOT.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 14 2010

Date

Sandra Schultz Mengel
Chief Clerk